

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Lamar Rashad Jackson,	)	Civil Action No.: 14-1066-MGL
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER AND OPINION</b>
	)	
Randy Scott, Chief of Police, CPD;	)	
Investigator Montgomery CPD, etc.,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Lamar Rashad Jackson (“Plaintiff”) is a pretrial detainee proceeding *pro se* and in forma pauperis. On March 21, 2014, Plaintiff filed this action pursuant to 42 U.S.C. § 1983 alleging that his constitutional rights had been violated.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 for the District of South, this matter was referred to United States Magistrate Judge Paige J. Gossett for a pretrial handling and a Report and Recommendation. On May 14, 2014, the Magistrate Judge issued a Report and Recommendation recommending that this case be dismissed without prejudice and without issuance and service of process as to Defendant Randy Scott due to Plaintiff’s failure to state facts which set forth a cognizable claim against Defendant Randy Scott. (ECF No. 20.) Plaintiff has not filed objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to the court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C.

§ 636(b)(1). The court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

Plaintiff was advised of his right to file objections to the Report and Recommendation. (ECF No. 11 at 5.) However, Plaintiff filed no objections and the time for doing so has expired. In the absence objections to the Magistrate Judge's Report and Recommendation, the court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4<sup>th</sup> Cir. 2005) (quoting Fed.R.Civ.P. 72 and advisory committee's note).

After a thorough review of the record in this case, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is ORDERED that the complaint be summarily dismissed without prejudice and without issuance and service of process as to Defendant Randy Scott.

IT IS SO ORDERED.

/s/Mary G. Lewis  
United States District Judge

Spartanburg, South Carolina  
June 3, 2014